

TITLE 327 WATER POLLUTION CONTROL BOARD

IDEM'S ADDITIONAL SUGGESTED CHANGES TO PROPOSED NEW RULES CONCERNING CONFINED FEEDING OPERATIONS AT 327 IAC 19 PROPOSED ON NOVEMBER 7, 2011

LSA Document #09-615

The following suggested changes are in addition to the suggested changes presented in the regular change sheet.

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the version posted in the Indiana Register on August 3, 2011 (DIN: 20110803-IR-327090213PRA) have been made in the version of this rule presented to the board for final adoption. These changes are NOT listed in this list of suggested changes.

Page references are to the proposed rule as posted in the Indiana Register.

1. 327 IAC 19-2-42

Delete "the site where the manure will be land applied", substitute "**a site other than a production area**" and renumber the section to make it read as follows:

327 IAC 19-2-43 "Staging" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-10-4

Affected: IC 13-11-2; IC 13-14; IC 13-15; IC 13-18; IC 13-30

Sec. 43. "Staging" means the temporary placement of manure at a site other than a production area. (Water Pollution Control Board; 327 IAC 19-2-43)

2. 327 IAC 19-8-4

In subdivision (a)(1)(A), following "conditions", insert "**or compliance requirements**" to make the section read as follows:

Sec. 4. (a) The commissioner may deny an approval application or place conditions on an approval if:

(1) the CFO is, at the time of the approval application or approval decision, not in compliance with:

(A) all current approval conditions or compliance requirements;

(B) IC 13-18; or

(C) this title;

(2) the application is not on a form provided by the department or does not meet the requirements of this article; or

(3) a complete application has not been submitted after receipt of two (2) notices of the same deficiency on a new or renewal application;

or as provided in IC 13-18-10-2.1.

3. 327 IAC 19-12-4

In subdivision (o)(4), delete "have an" and substitute "**If applicable, have a surface**" to make subsection (o) read as follows:

(o) Any drainage system to lower the seasonal water table around the base of a waste management system must be designed and installed to:

(1) effectively collect and drain the ground water;

- (2) be of adequate size, proper slopes, and proper distance from the waste management system;**
- (3) be provided with sumps, pumps (including a backup pump), and electricity supply, if applicable;**
- (4) if applicable, have a surface outlet that is at least fifty (50) feet away from the building, and at least:**
 - (A) fifty (50) feet from the property line in soils with a permeability of one-half (1/2) inch per hour or less; or**
 - (B) twenty (20) feet from the property line in soils with a permeability greater than one-half (1/2) inch per hour; and**
- (5) have a shut-off valve or equivalent.**

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